

**Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554**

**July 15, 2000**

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**In the Matter of**

**Request for Review of the  
Decision of the  
Universal Service Administrator by:**

**Lee County School District  
2055 Central Avenue  
Ft. Myers, FL 33901**

**Ref. FCC Docket Nos. 97-21 and 96-45**

Contact Information:

George M. Stapp, Systems Analyst  
Network Control & Operations  
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Ft. Myers, FL 33901  
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Re: SLD Denial of  
Billed Entity Number: 127832  
Application Number: 153221  
Funding Request Number(s): 295906, 295907, 295908, 295910, 295912, 295913,  
295915, 295917, 295918, 295920, 295921, 295923,  
295925, 295927, 295931, 295933, 295935, 295937,  
295939, 295941, 295942, 295944, 295946, 295949

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Ref. FCC Docket Nos. 97-21 and 96-45

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Gentlemen,

We believe we are being penalized for something that was beyond our control, (Ref. FCC Order 00-100), involving Copan Public Schools – Released March 16, 2000 - File No. SLD-26231, CC Docket No. 96-45, CC Docket No. 97-21, rel. 3/16,2000. Spec. Part I, Par. #3 (11) and Part III, Par. 7 (23,24).

We feel that based on the Copan Public Schools decision, the changes we made in our contract were more than justified and SHOULD NOT be denied.

We had successfully applied for, and received, the USAC/SLD Funding Commitment Report Letter regarding our 471 Application Number 153221 dated October 26,1999.

The award was for electronic data switches for the above FRN's for our schools. After we received this FCR Approval Letter from SLD, the *manufacturer* of our first choice for these devices was unable to provide the switches we desired, so we decided on our second choice for switches.

Seeking direction and advice, we then contacted the SLD and explained the situation to their representative, and we were told to simply send a letter to them explaining the situation, as a formality, and that there shouldn't be any problem since the service provider and SPIN Number would not change. We were told to send the letter with regard as to a "Request for Correction." We did not believe that it was a letter of 'appeal' as we were under the impression that we were already approved for funding as previously stated.

We sent a letter to the SLD on November 11,1999, which is included with this letter, referring to Application Number 153221.

We proceeded to purchase our second choice for switches from the *same* Service Provider, *same* SPIN Number. These schools were in the 80% bracket. We have subsequently paid to the **approved service provider** *our* portion of the total amount.

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However, we have subsequently received an unsuspected letter from the SLD, dated June 15, 2000, which in fact denied our "appeal".


The request for *this* appeal letter is for our schools to receive what we believe to be their rightful allocation of funds that *were originally approved by the SLD/USAC*. In actuality, there exist **no changes** in the Form 471 submittal ( Ref. Request for review of the Scranton School District, Scranton, PA, CC Docket Nos. 96-45,97-21,DA 00-20).

Our hope is that you will be able to remand the current decision by the SLD, and remain faithful to the Universal Service Order, 12 FCC Rcd at 9029, para. 481, which states in part " . . . *our goal of affording schools and libraries flexibility to determine the offering that meets their needs most effectively and efficiently.*"

**All relevant material facts and supporting documentation are enclosed with this letter.**

Thank you for your diligent attention in this matter. Again, we hope that you will decide to uphold the funding previously committed to our combined efforts to equip our schools with the appropriate and eligible technology that this E-Rate program was designed for.

Yours very truly,

  
George M. Stapp  
Network Control & Operations

Cc. Susan K. Zellers, Executive Director, Communications & Technology, L.C.S.D.  
Steven Baker, Manager, Network Control & Operations, L.C.S.D.

**USAC**  
UNIVERSAL SERVICE  
ADMINISTRATIVE CO.

*Copy*

**SCHOOLS AND LIBRARIES DIVISION**  
Box 125 - Correspondence Unit  
100 South Jefferson Road  
Whippany, NJ 07981

LEE COUNTY SCHOOL DISTRICT  
CHRIS STEWART  
2055 CENTRAL AVE  
FORT MYERS FL 33901-3916

RECEIVED  
JUL 18 2000  
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October 26, 1999

Re: Form 471 Application Number: 153221  
Funding Year: 07/01/1999 - 06/30/2000  
Billed Entity Number: 127832

Thank you for your 1999-2000 E-rate application and for any assistance you provided throughout our review. We have completed processing of your Form 471. This letter is to advise you of our decisions.

**FUNDING COMMITMENT REPORT**

From your Form 471, we reviewed row-by-row discount requests in Items 15 and 16. We assigned each row a Funding Request Number (FRN). On the pages following this letter, we have provided a Funding Commitment Report for each FRN in your application.

Attached to this letter you will find a guide that defines each line of the Funding Commitment Report and a complete list of FRNs from your application. The SLD is also sending this information to your service provider(s) so arrangements can be made to begin implementing your E-rate discount(s). We would encourage you to contact your service providers to let them know your plans regarding these services.

**FOR QUESTIONS**

If you have questions regarding our decisions on your E-rate application, please notify us in writing. Your questions should be sent to: Questions, Schools and Libraries Division, Universal Service Administrative Company, Box 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981.

**FOR APPEALS**

If you wish to appeal to the SLD, your appeal must be made in writing and received by us within 30 days of issuance of this letter as indicated by its postmark. In your letter of appeal, please include: correct contact information for the appellant, information on the Funding Commitment Decision you are appealing and the specific Funding Request Number in question, and an original authorized signature. Appeals sent by fax, e-mail or phone call cannot be processed. Please mail your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981. You may also call our Client Service Bureau at 888-203-8100. While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC): FCC, Office of the Secretary, 445 12th Street SW, Room TW-A 325, Washington, D.C. 20554.

**NEXT STEPS**

Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step is to complete and submit the enclosed FCC Form 486. This Form notifies the SLD that you are currently receiving or have begun receiving services approved for discounts and provides certified indication that your technology plan(s) has been approved. As you complete your Form 486, you should also contact your service provider to verify they have received notice from the SLD of your commitments. After the SLD processes your Form 486, we can begin processing invoices from your service provider(s) so they can be reimbursed for discounted services they have provided you. For further detailed information on next steps, please review all enclosures.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the universal service mechanisms for schools and libraries. FCC Form 471 Applicants who have received funding commitments continue to be subject to audits and other reviews that SLD or the Commission may undertake periodically to assure that funds have been committed and are being used in accordance with all such requirements. If the SLD subsequently determines that its commitment was erroneously issued due to action or inaction, including but not limited to that by SLD, the Applicant, or service provider, and that the action or inaction was not in accordance with such requirements, SLD may be required to cancel these funding commitments and seek repayment of any funds disbursed not in accordance with such requirements. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC) may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds.

The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

We look forward to continuing our work with you on connecting our schools and libraries together through communications technology.

Sincerely,  
Kate L. Moore  
President, Schools and Libraries Division, USAC

Enclosures

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153221

Funding Request Number: 0000295906      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 03077  
Pre-discount Cost: \$736.44  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$589.15 - 471 approved as submitted

Funding Request Number: 0000295907      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 02202  
Pre-discount Cost: \$675.92  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$540.74 - 471 approved as submitted

Funding Request Number: 0000295908      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01122  
Pre-discount Cost: \$2,254.88  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,803.90 - 471 approved as submitted

Funding Request Number: 0000295910      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01149  
Pre-discount Cost: \$1,753.04  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,402.43 - 471 approved as submitted

Funding Request Number: 0000295912      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01125  
Pre-discount Cost: \$1,301.52  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,041.22 - 471 approved as submitted

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153221

Funding Request Number: 0000295913      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 02471  
Pre-discount Cost: \$910.52  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$728.42 - 471 approved as submitted

Funding Request Number: 0000295915      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 02834  
Pre-discount Cost: \$1,518.44  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,214.75 - 471 approved as submitted

Funding Request Number: 0000295917      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01129  
Pre-discount Cost: \$1,863.88  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,491.10 - 471 approved as submitted

Funding Request Number: 0000295918      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01134  
Pre-discount Cost: \$1,629.28  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,303.42 - 471 approved as submitted

Funding Request Number: 0000295920      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01135  
Pre-discount Cost: \$938.40  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$750.72 - 471 approved as submitted

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153221

Funding Request Number: 0000295921      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01148  
Pre-discount Cost: \$1,301.52  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,041.22 - 471 approved as submitted

Funding Request Number: 0000295923      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 02200  
Pre-discount Cost: \$782.00  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$625.60 - 471 approved as submitted

Funding Request Number: 0000295925      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01138  
Pre-discount Cost: \$1,942.08  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,553.66 - 471 approved as submitted

Funding Request Number: 0000295927      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 02335  
Pre-discount Cost: \$2,098.48  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,678.78 - 471 approved as submitted

Funding Request Number: 0000295931      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 03077  
Pre-discount Cost: \$1,863.88  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,491.10 - 471 approved as submitted



FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153221

Funding Request Number: 0000295933      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01140  
Pre-discount Cost: \$1,066.92  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$853.54 - 471 approved as submitted

Funding Request Number: 0000295935      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01141  
Pre-discount Cost: \$1,127.44  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$901.95 - 471 approved as submitted

Funding Request Number: 0000295937      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01142  
Pre-discount Cost: \$938.40  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$750.72 - 471 approved as submitted

Funding Request Number: 0000295939      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 02337  
Pre-discount Cost: \$1,430.04  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,144.03 - 471 approved as submitted

Funding Request Number: 0000295941      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01159  
Pre-discount Cost: \$1,457.92  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,166.34 - 471 approved as submitted

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153221

Funding Request Number: 0000295942      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 02472  
Pre-discount Cost: \$1,472.88  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,178.30 - 471 approved as submitted

Funding Request Number: 0000295944      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01153  
Pre-discount Cost: \$1,735.36  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,388.29 - 471 approved as submitted

Funding Request Number: 0000295946      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01145  
Pre-discount Cost: \$1,407.60  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,126.08 - 471 approved as submitted

Funding Request Number: 0000295949      Funding Status: Funded  
SPIN: 143004549      Service Provider Name: JDL Technologies  
Provider Contract Number: NOT PROVIDED  
Services Ordered: Internal Connections  
Earliest Possible Effective Date of Discount: 07/01/1999  
Contract Expiration Date: 10/04/1999  
Site Identifier: 12 01080 01148  
Pre-discount Cost: \$1,742.84  
Discount Percentage Approved by the SLD: 80%  
Funding Commitment Decision: \$1,394.27 - 471 approved as submitted